



RESOLUTION 2026-06
of the
ZONING BOARD OF ADJUSTMENT
OF THE TOWNSHIP OF VERONA

RESOLUTION GRANTING PRELIMINARY AND FINAL MAJOR SITE PLAN
APPROVAL WITH VARIANCES

Application 2026-03 21–25 Grove Avenue, Block 1702, Lot 22 C-2 Zone.

WHEREAS, Abbasi Construction, LLC (the “Applicant”) applied to the Zoning Board of Adjustment of the Township of Verona (the “Board”) for Preliminary and Final Major Site Plan Approval with associated bulk and use variance relief to permit redevelopment of property located at 21–25 Grove Avenue, designated as Block 1702, Lot 22 on the Township Tax Map (the “Property”); and

WHEREAS, the Applicant proposes to demolish existing structures and construct a ten (10) unit townhouse development, consisting of six three-bedroom dwelling units on the northwesterly side and four two-bedroom dwelling units on the southeasterly side, together with associated parking, circulation, utilities, and landscaping improvements (the “Application”); and

WHEREAS, the Property is located in the C-2 Zone, where townhouse development is not a permitted use, thereby requiring use variance relief pursuant to N.J.S.A. 40:55D-70(d); and

WHEREAS, notice of the Application was duly provided to property owners within 200 feet and published in accordance with the requirements of the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq.;

PUBLIC HEARINGS AND PROCEDURAL HISTORY

WHEREAS, the Board conducted public hearings on the Application on January 8, 2026, February 12, 2026, and March 12, 2026, at which time testimony and evidence were presented; and

WHEREAS, During the course of the Application, the Applicant introduced the following Exhibits:

Exhibit A-1: Sheet SP 1 Arial Photograph with Tax and Zoning Information- Prepared by Petry Engineering dated September 19, 2025

Exhibit A-2: Sheet SP 2 Existing Conditions and Demo Plan- Prepared by Petry Engineering dated September 19, 2025

WHEREAS, at the February 12, 2026 hearing, after extensive testimony and deliberation, the Board voted to grant the requested use variance permitting residential townhouse development on the Property, upon finding that the site was particularly suited for such use

and that the positive and negative criteria under N.J.S.A. 40:55D-70(d) were satisfied; and

with a reduction of the number of units from eleven to ten and with the elimination of roof top decks and stair bulk heads on northernly units. The Board further granted a Floor Area Ratio variance subject to the reduction ...

WHEREAS, notwithstanding the granting of the use variance, the Board determined that the site plan as then proposed was not acceptable, and the Board did not grant site plan approval at that time due to additional concerns including, but not limited to:

Circulation and emergency vehicle access

Parking configuration and maneuverability

Overall site design and compatibility with surrounding residential uses; and

WHEREAS, as a result of the Board's comments, concerns, and professional input, the Applicant requested to revise the Application and return with a substantially modified plan; in accordance with the use variance conditions set forth above and a revised site plan to address the Board's concerns set forth above;

WHEREAS, the Application was carried to the March 12, 2026 hearing, at which time the Applicant presented a materially revised site plan addressing the Board's prior concerns including, but not limited to:

Excessive intensity and unit count

Building massing and height

Circulation and emergency vehicle access

Parking configuration and maneuverability

Overall site design and compatibility with surrounding residential uses; and

PROFESSIONAL REPORTS

WHEREAS, the Board reviewed reports and correspondence including, but not limited to:

Boswell Engineering Report dated March 9, 2026, and prior engineering reviews;

Reports and comments from the Fire Official, the Police Department, the Environmental Commission; the Fire Official and the Shade Tree Commission;

WHEREAS, the Applicant agreed to comply with all conditions in the reports and otherwise to use best efforts to follow recommendations as a condition of approval;

REVISIONS TO APPLICATION FOLLOWING FEBRUARY HEARING

WHEREAS, in direct response to the Board's determination that the original site plan was not acceptable, the Applicant undertook a substantial redesign of the project, which was presented at the March 12, 2026 hearing; and

WHEREAS, the revised Application included significant and material changes, including:

Reduction in the number of units from eleven (11) to ten (10)

Reconfiguration of building layout to reduce intensity and improve spacing

Elimination of rooftop terraces

Reduction in building height, including limiting certain structures to 2.5 stories

Reduction of Floor Area Ratio to approximately 0.753

Reconfiguration of parking, drive aisles, and internal circulation to improve safety and emergency access

Elimination of certain previously requested bulk variances

Additional design modifications to improve buffering, streetscape, and compatibility; and

WHEREAS, the Board finds that these revisions were substantial, material, and directly responsive to the concerns raised during the February 12, 2026 hearing;

VARIANCES REQUESTED (AS REVISED)

WHEREAS, the Application, as revised, requires the following additional variances regarding the site plan:

Bulk (C) Variances:

Minimum side yard setback (one): 12.9 ft proposed vs. 15 ft required

Combined side yard setback: 29.7 ft proposed vs. 50 ft required

Rear yard setback: 29.7 ft proposed vs. 50 ft required

Parking stall size: 9' x 18' proposed vs. 9' x 20' required

HVAC units within required yard setbacks

Decks exceeding permitted height and encroaching into required setbacks.

FINDINGS OF FACT

WHEREAS, based upon the testimony, exhibits, and entire record, the Board makes the following findings:

The Property is currently improved with aging and underutilized commercial structures not consistent with modern development patterns.

The site is uniquely situated between commercial and residential zones, making it appropriate for a transitional residential use.

The Applicant's revised plan significantly reduces intensity and improves layout, circulation, and design.

The revised plan addresses prior concerns regarding emergency access, vehicle circulation, and site functionality.

The elimination of rooftop terraces and reduction in height improves compatibility with surrounding residential properties.

The revised development enhances the streetscape and promotes beneficial use of the Property.

The Applicant has agreed to comply with all professional reports, including the Boswell Engineering report dated March 9, 2026.

The Applicant represented to the Board that two (2) of the proposed dwelling units, identified as Units 4 and 5, will be designated as affordable housing units, and that such units will be constructed and administered in compliance with applicable affordable housing requirements.

The Applicant represented that the landscape plan includes substantial replacement plantings, including significantly more trees than required under applicable ordinances, and that all plantings will comply with the Township's approved tree and shrub list;

The Applicant proposed the removal of twelve (12) existing trees on the Property, and the Board received testimony regarding both the extent of tree removal and the proposed mitigation and replacement plan; and

BOARD FINDINGS REGARDING REVISED PLAN

WHEREAS, the Board specifically finds that the Application presented on March 12, 2026 is materially different from and a substantial improvement over the plan considered on February 12, 2026; and

WHEREAS, the Board's acceptance of the revised plan is based not only upon the physical changes to the plans, but also upon the credible and persuasive testimony of the Applicant's professionals explaining the necessity for, and impact of, such revisions; and

WHEREAS, the Board acknowledges that the site plan presented at the February 12, 2026 hearing was not approved due to identified concerns relating to intensity, layout, circulation, and overall design; and

WHEREAS, the Board finds that the revised plan presented at the March 12, 2026 hearing materially cures and addresses those deficiencies through substantial changes to the number of units, building configuration, circulation patterns, and overall site design; and

WHEREAS, the Board further finds that its determination to grant site plan approval herein is not inconsistent with its prior action, but rather is based upon the materially different and improved Application presented after the February 12, 2026 hearing; and

WHEREAS, the proposed tree removal plan is acceptable subject to compliance with applicable tree removal ordinances; and

WHEREAS, the Board concludes that the revised plan represents a fundamentally different planning proposal, and that the deficiencies previously identified have been sufficiently remedied such that approval is now appropriate;

WHEREAS, the Board further finds that:

The reduction in unit count directly mitigates concerns regarding overdevelopment

The revised layout improves circulation, safety, and emergency access

The reduction in building height and elimination of rooftop features improves neighborhood compatibility

The revised FAR and building massing align more closely with surrounding development

The revised plan satisfies concerns such that site plan approval is now appropriate where it previously was not.

WHEREAS, the Board reaffirms its prior determination that the use variance satisfies the positive criteria in that:

The Property is particularly suited for townhouse residential development due to its location and characteristics;

The proposed use promotes several purposes of zoning, including appropriate land use, provision of housing, and improved utilization of underdeveloped property; and

WHEREAS, the Board further finds that the negative criteria are satisfied, particularly in light of the revised plan, in that:

The development will not result in substantial detriment to the public good; and

The development will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance;

BULK VARIANCES – C (1) AND C (2)

WHEREAS, the Board finds that the requested bulk variances can be granted pursuant to both N.J.S.A. 40:55D-70(c)(1) and (c)(2) as follows:

C (1) – Hardship / Site Conditions

The Property has unique physical characteristics, including its configuration, existing conditions, and relationship to surrounding development, which limit strict compliance;

The required setbacks and design standards cannot be fully achieved without compromising the overall viability and layout of the project;

C (2) – Benefits vs. Detriments

The deviations from ordinance standards are modest when viewed in the context of the overall design;

The revised plan represents a superior planning alternative, advancing purposes of zoning including efficient land use, improved site design, and appropriate transitional development;

The benefits of the improved layout, reduced intensity, enhanced circulation, and better site design substantially outweigh any detriments;

WHEREAS, the Board further finds that:

The bulk variances, particularly as revised, will not cause substantial detriment to the public good;

The bulk variances will not substantially impair the intent and purpose of the Zone Plan;

The Board's findings in this regard are expressly based upon the revised March 12, 2026 plans, and not the prior submission;

NOW, THEREFORE, BE IT RESOLVED

That the Zoning Board of Adjustment of the Township of Verona hereby GRANTS Preliminary and Final Major Site Plan Approval with variances to Abbasi Construction, LLC for the Property, permitting a ten (10) unit townhouse development, in accordance with the revised plans presented

at the March 12, 2026 hearing, together with all prior testimony as modified by such revisions, and subject to the following conditions:

CONDITIONS OF APPROVAL

1. Compliance with all testimony, representations, and exhibits presented during the hearings.
2. Compliance with all reports and recommendations of the Board's professionals, including the Boswell Engineering report dated March 9, 2026.
3. Incorporation of all revisions presented at the March 12, 2026 hearing.
4. Receipt of all outside agency approvals.
5. Posting of all required guarantees and escrows.
6. Compliance with all applicable Township ordinances except as expressly varied.
7. No increase in bedroom count beyond what was represented.
8. All representations and conditions on the record are incorporated herein.
9. The Applicant shall designate Units 4 and 5 as affordable housing units, consistent with the representations made to the Board, and shall comply with all applicable affordable housing regulations, including but not limited to any requirements imposed by the Township of Verona, its administrative agency, or any applicable court order, settlement agreement, or Fair Housing Act obligation. The Applicant shall coordinate with the Township's designated Administrative Agent, if any, for the implementation, marketing and administration of the affordable housing units, and shall comply with all controls on affordability, occupancy, pricing, and deed restrictions as required by law.
10. The designation of Units 4 and 5 as affordable housing units shall not be modified, relocated, or eliminated without further approval of the Board and compliance with all applicable affordable housing requirements.
11. The Applicant shall comply with all applicable Township tree removal and replacement ordinances, including submission of a tree condition inventory identifying the status of all trees proposed for removal. (including size and condition).
12. Applicant shall pay a mitigation fee in the amount of \$ 8,850.00 to the Township of Verona in accordance with the Zoning Official's March 12, 2026 letter.
13. All required landscaping, including tree plantings, shall be installed prior to issuance of a certificate of occupancy, or as otherwise permitted by the Township, and shall be maintained in a healthy and viable condition. Any dead or diseased plantings shall be replaced.

NOW, THEREFORE, BE IT RESOLVED, by the Zoning Board of the Township of Verona, that the referenced application be hereby partially denied and partially approved with conditions.

Motion: Dr. Cuartas Second: Mr. Sully

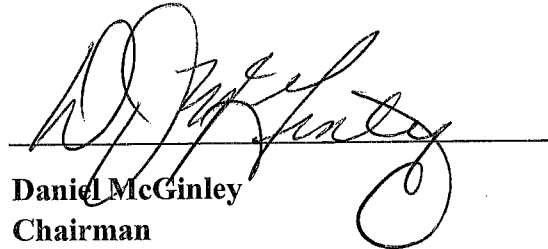
ROLL CALL:

	AYES	NAYS	ABSTENTION	NOT ELIGIBLE	ABSENT
Dr. Ries	✓				
Mr. Tully	✓				
Dr. Cuartas	✓				
Mr. Ryan				✓	
Mrs. Murphy-Bradacs	✓				
Mr. Mathewson			✓		
Mrs. DiBartolo				✓	
Vice Chair Weston				✓	
Chair McGinley	✓				

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE BOARD OF ADJUSTMENT OF REGULAR MEETING HELD ON APRIL 16, 2026.



Dolores Carpinelli
Board Secretary



Daniel McGinley
Chairman